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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,329	03/24/2004	Koichi Ozaki	TESD.0035	4000
<div>7590 REED SMITH LLP Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042</div>			<div>EXAMINER GODBOLD, DOUGLAS</div>	
			<div>ART UNIT 2626</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,329	Applicant(s) OZAKI, KOICHI	
	Examiner Douglas C. Godbold	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040324, 20050110</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to application 10/807,329 filed March 24, 2004.
Claims 1-6 are pending in the application and have been examined.

Priority

2. This application claims priority to Japanese application 2003-079619 filed March 24, 2003. This priority date has been considered in this office action.

Information Disclosure Statement

3. The Information Disclosure Statement filed March 24, 2004 and January 10, 2005 have been accepted and considered in this office action.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kryze et al (US Patent 6,907,397).

8. Consider claim 1, Kryze teaches a recording and reproduction apparatus (figure 1) comprising:

storage means for storing recording data including at least voice data (figure 1, data storage 112 stores media file 118, as voice recognition is done on this file, it must contain voice data; column 2 line 47.);

database creation means for creating a database by converting the voice data in the recording data into text data (Still further, speech recognition performed on contents of media files containing speech yields text for generating speech recognition grammars; column 2 line 65. Index is created, column 2, line 54.);

input means for inputting a keyword (The user can thereafter select the media file by inputting speech during a selection mode. A speech recognizer of the embedded device 100 recognizes the speech by generating a plurality of speech recognition hypotheses, and these hypotheses are compared to the recognition grammars of the index to select the media file; column 3, line 6. Keywords are used for recognition column 3 line 40 to column 4 line 52.); and

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search means for searching the database based on the keyword (The user can thereafter select the media file by inputting speech during a selection mode. A speech recognizer of the embedded device 100 recognizes the speech by generating a plurality of speech recognition hypotheses, and these hypotheses are compared to the recognition grammars of the index to select the media file; column 3, line 6.)

9. Consider claim 2, Kryze teaches a recording and reproduction apparatus (figure 1) comprising:

storage means for storing recording data including input voice data as files (figure 1, data storage 112 stores media file 118, as voice recognition is done on this file, it must contain voice data; column 2 line 47.);

voice to data conversion means for extracting the voice data from the recording data, and for converting the extracted voice data into text data (Still further, speech recognition performed on contents of media files containing speech yields text for generating speech recognition grammars; column 2 line 65.);

database storage means for storing the text data as a database (Index is created, column 2 line 54. Index is stored on memory 112, column 3, line 2.);

input means for inputting a keyword (The user can thereafter select the media file by inputting speech during a selection mode. A speech recognizer of the embedded device 100 recognizes the speech by generating a plurality of speech recognition hypotheses, and these hypotheses are compared to the recognition grammars of the

index to select the media file; column 3, line 6. Keywords are used for recognition column 3 line 40 to column 4 line 52.); and

search means for searching the database based on the keyword, and for outputting the files including the voice data relating to the keyword (The user can thereafter select the media file by inputting speech during a selection mode. A speech recognizer of the embedded device 100 recognizes the speech by generating a plurality of speech recognition hypotheses, and these hypotheses are compared to the recognition grammars of the index to select the media file; column 3, line 6. Keywords are used for recognition column 3 line 40 to column 4 line 52.).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kryze in view of Brown et al (Open-Vocabulary Speech Indexing for Voice and Video Mail Retrieval).

13. Consider claim 3, Kryze et al teaches a recording and reproduction apparatus (figure 1) comprising:

storage means for storing, as files, voice data in a recording medium (figure 1, data storage 112 stores media file 118, as voice recognition is done on this file, it must contain voice data; column 2 line 47.);

voice to data conversion means for extracting voice data from voice data, and for converting the extracted Voice data into text data (Still further, speech recognition performed on contents of media files containing speech yields text for generating speech recognition grammars; column 2 line 65.);

cutout means for cutting out words from the text data (text data is filtered to extract important keywords with which to make grammars; column 3 lines 14-50);

database storage means for storing the words cut out in the storage medium as a database linked to the files (Index is created, column 2 line 54. Index is stored on memory 112, column 3, line 2.);

input means for inputting a keyword (The user can thereafter select the media file by inputting speech during a selection mode. A speech recognizer of the embedded device 100 recognizes the speech by generating a plurality of speech recognition hypotheses, and these hypotheses are compared to the recognition grammars of the

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index to select the media file; column 3, line 6. Keywords are used for recognition column 3 line 40 to column 4 line 52.); and

search means for searching the database based on the keyword, and outputting the files including the words matched to the keyword (The user can thereafter select the media file by inputting speech during a selection mode. A speech recognizer of the embedded device 100 recognizes the speech by generating a plurality of speech recognition hypotheses, and these hypotheses are compared to the recognition grammars of the index to select the media file; column 3, line 6. Keywords are used for recognition column 3 line 40 to column 4 line 52.).

Kryze does not specifically teach that the media file contains video.

In the same field of media searching, Brown teaches that the media files for searching contain video (abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the searching method of Kryze with the video files of Brown in order to allow for the searching of video files as well as audio files.

14. Consider claim 4, Kryze and Brown teaches the recording and reproduction apparatus according to claim 2 or 3, wherein each of the files includes category information, and the search means conducts a search based on the keyword after narrowing down the files according to the category information (an index is created for retrieving the media file that includes speech recognition grammars generated from contents of the media file header 124, descriptive text from a file path leading to the

media file over the computer network, such as the name of a database 126 descriptively categorizing its contents, and/or supplemental information 127, such as genre, credits (song writers, band members, producers), and/or or trivia (video shoot location, country of origin, types of musical instruments) provided; column 2 line 54, Kryze.).

15. Consider claim 5, Kryze and Brown teaches the recording and reproduction apparatus according to any one of claims 1 to 4, wherein the input means converts the keyword input as a voice into text data, and the search means compares the text data on the keyword with the text data in the database (The user can thereafter select the media file by inputting speech during a selection mode. A speech recognizer of the embedded device 100 recognizes the speech by generating a plurality of speech recognition hypotheses, and these hypotheses are compared to the recognition grammars of the index to select the media file; column 3, line 6. Keywords are used for recognition column 3 line 40 to column 4 line 52, Kryze).

16. Consider claim 6, Kryze and Brown teach the recording and reproduction apparatus according to any one of claims 1 to 5, but does not specifically teach wherein the text data is comprised of kanas, the kanas being Japanese syllabic alphabets.

However Kryze and brown do not specifically a language to be used, so one of ordinary skill in the art can appreciate that the searching method could be applied to any language.

Therefore it would have been obvious to one of ordinary skill in the art to use kanas as the language of the system of Kryze and Brown in order to facilitate use of files in that particular language.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is listed on the notice of references cited.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas C. Godbold whose telephone number is (571) 270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG


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